

REMARKS

In the Office Action mailed September 25, 2006, the Examiner restricted the pending claims into 1,240 groups and required that an election be made under 35 U.S.C. § 121. Claims reciting biological sequences were restricted to a single specific sequence, in addition to other grounds for the restriction.

As a preliminary matter, it appears that the numbering of the last nine groups in DCCXCIII-DCCCXCIX (793-899) overlaps with the numbering of groups in DCCCXCI-CMLXVI (891-966). To avoid possible confusion in the future, Applicants will refer to the duplicate group numbers in the first set with the suffix "a", and in the second set with the suffix "b". For example, DCCXCIXa will refer to group 899 in the first set, whereas DCCXCIXb will refer to group 899 in the second set.

Applicants provisionally elect, with traverse, the claims of Group CCCXI (311) (claims 11-12) directed to methods of evaluating the level of neuropathic pain in a mammal, wherein the surrogate marker of neuropathic pain is a nonredundant subsequence of the nucleic acid sequence of SEQ ID NO:471.

The Examiner indicated that the restriction requirement as to groups III-DCCXCII (3-792) (claims 11-12, 13-14, and 16-19, reciting sequences of SEQ ID NOs:1-308, 309-470, and 471-630, respectively) is subject to nonallowance of linking claims 7-10, and 15. The Examiner further indicated that the restriction among the muscle-specific markers within Groups III-DCCXCII (3-792) is subject to nonallowance of linking claim 20. Applicants note that the muscle-specific markers are designated with an asterisk in Tables 2, 3, and 4 in the specification. Thus, in case of allowance of the respective linking claims, Applicants elect the Groups III-DCCXCII, or at least a subset of those groups that recite muscle-specific markers. Applicants note that the provisionally elected Group CCCXI (311) recites SEQ ID NO:471, which is designated as a muscle-specific marker.

Applicants traverse the restriction requirement with respect to sixteen groups: CCCXI - CCCXX (311-320), DCCCXCI (891), DCCCXCII (892), DCCCXCIII (893), DCCCXCIV (894), DCCCXCV (895), and DCCCXCVI (896).

MPEP Section 803.04 instructs Examiners to search up to 10 nucleotide sequences per application. Groups CCCXI-CCCXX recite only ten nucleotide sequences, SEQ ID NOs:471-480, and therefore, these groups should be searched and examined together. Further, six of these sequences are duplicates of sequences in the remaining six groups as shown in the table below. Therefore, the search of the additional six groups poses no additional burden on the examiner.

Surrogate marker of neuropathic pain (SMP)		Surrogate marker of neurotrophic activity (SMN)	
SEQ ID NO	Group No.	SEQ ID NO	Group No.
471*	CCCXI		
472	CCCXII	963	DCCCXCI
473*	CCCXIII	964*	DCCCXCII
474	CCCXIV	965	DCCCXCIII
475*	CCCXV	966*	DCCCXCIV
476	CCCXVI		
477*	CCCXVII		
478	CCCXIX	967	DCCCXCV
479	CCCXIX		
480	CCCXX	968	DCCCXCVI


* Muscle-specific markers

In light of the foregoing, Applicants request withdrawal of the restriction requirement with respect to Groups CCCXI - CCCXX (311-320). Applicants also request withdrawal of the restriction with respect to groups CCCXI - CCCXX (311-320) and DCCCXCI (891), DCCCXCII (892), DCCCXCIII (893), DCCCXCIV (894), DCCCXCV (895), and DCCCXCVI (896). Should the Examiner have any questions or concerns, the Examiner is invited to call the undersigned Applicants' representative at the number below.

Respectfully submitted,

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